

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ APR 4 2007 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X BROOKLYN OFFICE  
KINGVISION PAY-PER-VIEW, LTD.,

Plaintiff,

05 CV 3751 (SJ)

- against -

**MEMORANDUM**  
**AND ORDER**

184-17 JAMAICA AVE. RESTAURANT,  
INC., et al.,

Defendants.

-----X

**A P P E A R A N C E S:**

RICHARD ALAN KLASS, ESQ.  
16 Court Street  
29th Floor  
Brooklyn, NY 11241  
Attorney for Plaintiff

JOHNSON, Senior District Judge:

Plaintiff Kingvision Pay-Per-View, Ltd. ("Plaintiff") brings this action against defendants 184-17 Jamaica Ave. Restaurant, Inc. d/b/a El Nuevo Guayacan Restaurant ("Jamaica"), and Lesbia Waldman, individually and as (an) officer(s), director(s), and/or shareholder(s) of 184-17 Jamaica Ave. Restaurant, Inc. ("Waldman") (collectively "Defendants") for alleged violations of 47 U.S.C. §§ 553 and 605. Defendants failed to appear, and default was noted on April 17, 2006.

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On April 21, 2006, this Court granted Plaintiff's motion for default judgment and referred the case to Magistrate Judge James Orenstein for a Report and Recommendation as to damages and other appropriate relief ("Report"). On September 15, 2006, Judge Orenstein issued his Report recommending that the Court (1) enter judgment against Jamaica awarding Plaintiff a total of \$2,000, (2) vacate judgment and dismiss the complaint against Waldman, and (3) deny Plaintiff's application for attorney's fees. Judge Orenstein ordered any objections to the Report to be filed within ten days of the date of service. No objections were filed with the Court.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections waives the right to appeal the District Court's Order. See 28 U.S.C. § 636(b)(1); Beverly v. Walker, 118 F.3d 900, 902 (2d Cir.1997).

As mentioned above, objections to the Report were due within ten days of the date of service. No objections were filed with the Court. Upon review of the Report, this Court adopts and affirms Judge Orenstein's Report in its entirety.

SO ORDERED.

Dated: April 4, 2007  
Brooklyn, NY

/s/(SJ)  
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Senior United States District Judge